

## **REMARKS**

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the herein remarks, which place the application in condition for allowance.

### **I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 13 and 16-30 are now pending in this application. The text of claims 11 and 12 have been inserted into claim 13 and claims 11 and 12 have been cancelled. Applicants reserve the right to pursue the subject matter of cancelled claims in continuing applications. No new matter has been added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. THE 35 U.S.C. 112, 1<sup>st</sup> PARAGRAPH REJECTION HAS BEEN OVERCOME**

Claims 16-18 and 20-22 were rejected as allegedly indefinite for failing to comply with the written description requirement. The rejection is traversed.

Although the applicants disagree with the rejection of claims 16-18 and 20-22 based on the last two formulae in claim 16 as there is no requirement for *ipssis verbis* support within the meaning of 35 U.S.C. 112, 1<sup>st</sup> paragraph and the breadth of the originally filed claims encompass this subject matter, in order to advance prosecution, these figures have been deleted as they are essentially encompassed by other text in the claims.

With regard to the rejection of claim 21, the applicants are unclear about the nature of this rejection as this example is supported by Examples 1-4, 10 and 12 in the specification.

### **III. THE 35 U.S.C. 102(b) REJECTION HAS BEEN OVERCOME**

MPEP 2131 illustrates the requirements necessary to establish anticipation:

- (1) “A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” see *Verdegaal*

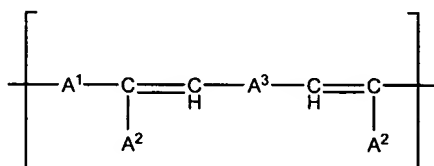
*Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)"; and

- (2) "The identical invention must be shown in as complete detail as is contained in the...claim." see *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

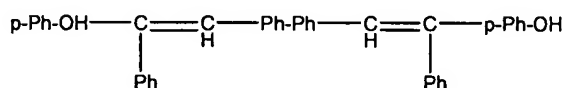
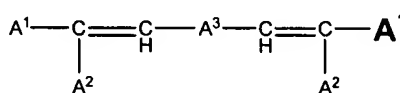
However, Hosokawa, Horhold (A) and Horhold (B) does not meet these requirements for the following reasons.

1. Claims 11-13, 16, 19, 20, 23, 28 and 29 were rejected as allegedly being anticipated by Hosokawa et al. (EP 0 557 534 - "Hosokawa"). Reconsideration of this rejection is requested for the following reasons.

Hosokawa refers to compounds that are outside the scope of the applicants claims, i.e. a nitrogen bonded to three separate phenyl groups - see Example 11 on page 38 of Hosokawa) or a compound with "too many" substituents:



Applicants claims

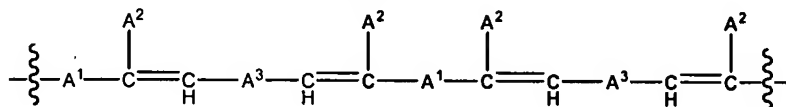


(Hosokawa, page 52)

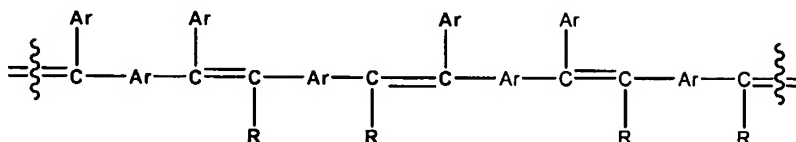
Hosokawa does not teach every element of the applicants claimed invention and therefore, Hosokawa does not anticipate the applicants' claimed invention.

2. Claims 11-13, 16, 19-21, 23, 28 and 30 were rejected as allegedly being anticipated by Horhold et al. (GB 1345692 - "Horhold (A)"). The rejection is traversed.
3. Claims 11, 13, 16 and 19-24 were rejected as allegedly being anticipated by Horhold et al. (*Journal für Praktische Chemie (Leipzig)*), 316(5): 750-760 (1974) - "Horhold (B)"). The rejection is traversed. Given the similarity of the two references, the applicants address the Horhold reference below.

In the Horhold patent, R can also be halogens, alkyl, alkoxy, cyano or aryl groups (see page 2, lines 10-13 of the Horhold patent).



Applicants claims (two structural units)



Formula (I) of Horhold - page 2 of GB 1,345,692  
(two structural units)  
R can be hydrogen

From the Chemical Abstract of the "Journal" reference, the compound cited as RN = 41040-04-4 corresponds to Example 9 in the specification; likewise RN: 41040-05-5 corresponds to Example 10 in the specification. The remaining compounds of Horhold do not read on specific examples but are encompassed by the pending claims.

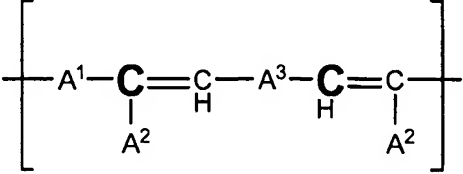
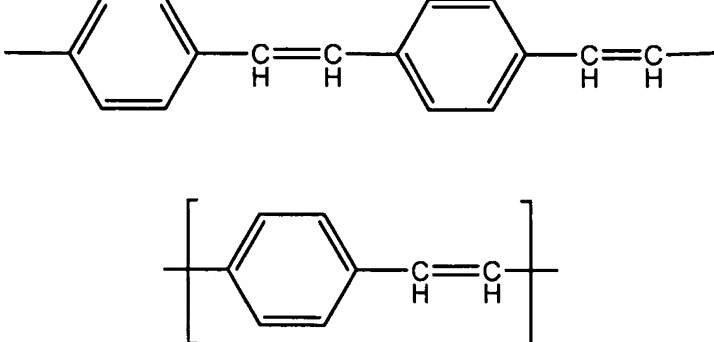
Horhold does not teach every element of the applicants claimed invention and therefore, Horhold does not anticipate the applicants' claimed invention.

#### **IV. THE 35 U.S.C. 103(a) REJECTION HAS BEEN OVERCOME**

1. Claim 12 was rejected as allegedly being obvious over Horhold (A) in view of Horhold (B). In order to advance prosecution, the subject matter of claims 11 and 12 has been entered into claim 13 which renders this rejection moot.

2. Claims 11-13, 16-20, 23 and 30 were rejected as allegedly being obvious over Friend et al. (WO 90/13148 - "Friend"). Reconsideration of this rejection is requested for the following reasons.

In order to establish a case of *prima facie* obviousness, all claim limitations must be taught by the prior art. see MPEP 2143.03. However, Friend does not teach or suggest the electroluminescent material of the applicants' invention (see differences in monomer units below)

Monomer unit from applicants claim 13	Monomer unit of Friend
 <p data-bbox="272 510 578 562">Applicants claims ("cis"-configuration example)</p>	

Friend does not teach or suggest any sort of substitution pattern from their monomer units and even if it could be established that a substitution was taught or suggested, Friend still would not teach the specific substitution pattern claimed by the inventors (i.e. the substitution pattern in the applicants' claimed invention is not located on the same carbon of the alkene which is what would be taught by Friend if substitution could be established).

Therefore, Friend does not teach every limitation of the applicants' claimed invention and the claims are not obvious over Friend.

### CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,  
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